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1 **SECTION 166.** 111.70 (7m) (c) 3. of the statutes is created to read:

2 111.70 (7m) (c) 3. 'Strike in violation of award.' Any person who authorizes or
3 participates in a strike after a final and binding arbitration award or decision under
4 sub. (4) (cm) is issued and before the end of the term of the agreement which the
5 award or decision amends or creates shall forfeit \$15 per offense. Each day of
6 continued violation constitutes a separate offense.

7 **SECTION 167.** 111.70 (7m) (e) of the statutes is created to read:

8 111.70 (7m) (e) *Civil liability.* Any party refusing to include an arbitration
9 award or decision under sub. (4) (cm) in a written collective bargaining agreement
10 or failing to implement the award or decision, unless good cause is shown, is liable
11 for attorney fees, interest on delayed monetary benefits, and other costs incurred in
12 any action by the nonoffending party to enforce the award or decision.

13 **SECTION 168.** 111.70 (8) (a) of the statutes is amended to read:

14 111.70 (8) (a) This section, except ~~sub.~~ subs. (1) (nm), (4) (eg) and (cm), and (7m),
15 applies to law enforcement supervisors employed by a 1st class city. This section,
16 except ~~sub.~~ subs. (1) (nm), (4) (cm) and (jm), and (7m) applies to law enforcement
17 supervisors employed by a county having a population of 500,000 or more. For
18 purposes of such application, the ~~terms~~ term "municipal employee" and "~~public~~
19 ~~safety employee~~" ~~include~~ includes such a supervisor.

20 **SECTION 169.** 111.71 (2) of the statutes is amended to read:

21 111.71 (2) The commission shall assess and collect a filing fee for filing a
22 complaint alleging that a prohibited practice has been committed under s. 111.70 (3).
23 The commission shall assess and collect a filing fee for filing a request that the
24 commission act as an arbitrator to resolve a dispute involving the interpretation or
25 application of a collective bargaining agreement under s. 111.70 (4) (c) 2., ~~(eg) 4., or~~

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(cm) 4. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact-finding under s. 111.70 (4) (c) 3. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.70 (4) (c) 1., ~~(eg) 3.,~~ or (cm) 3. The commission shall assess and collect a filing fee for filing a request that the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(eg)~~ (cm) 6. or (jm) or 111.77 (3). For the performance of commission actions under ss. 111.70 (4) (c) 1., 1m., 2., and 3., ~~(eg) 3., 4., and 6.,~~ (cm) 3. ~~and~~, 4., and 6., and (jm) and 111.77 (3), the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that a prohibited practice has been committed under s. 111.70 (3), the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the dispute, the commission may not subsequently assess or collect a filing fee to initiate fact-finding or arbitration to resolve the same labor dispute. If any request for the performance of commission actions concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence ~~shall be treated as~~ is a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact-finding, mediation or arbitration. A complaint or request for fact-finding, mediation or arbitration is not filed until the date ~~such~~ the fee or fees are paid, except that the failure of the respondent party to pay the filing fee for having the commission initiate compulsory, final and binding arbitration under s. 111.70 (4) ~~(eg)~~ (cm) 6. or (jm) or 111.77 (3) may

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1 not prohibit the commission from initiating ~~such~~ the arbitration. The commission
2 may initiate collection proceedings against the respondent party for the payment of
3 the filing fee. Fees collected under this subsection shall be credited to the
4 appropriation account under s. 20.425 (1) (i).

5 **SECTION 170.** 111.71 (4) of the statutes is created to read:

6 111.71 (4) The commission shall collect on a systematic basis information on
7 the operation of the arbitration law under s. 111.70 (4) (cm) and shall annually
8 submit a report on the opinion to the chief clerk of each house of the legislature for
9 distribution to the legislature under s. 13.172 (2).

10 **SECTION 171.** 111.71 (4m) of the statutes is repealed.

11 **SECTION 172.** 111.71 (5) of the statutes is created to read:

12 111.71 (5) The commission shall, on a regular basis, provide training programs
13 to prepare individuals to arbitrate under s. 111.70 (4) (cm). The commission shall
14 promote the programs to and recruit participation throughout the state, including
15 at least 10 residents of each congressional district. The commission may also provide
16 training programs to individuals and organizations on other aspects of collective
17 bargaining, including on areas of management and labor cooperation directly or
18 indirectly affecting collective bargaining. The commission may charge a reasonable
19 fee to participate in the programs.

20 **SECTION 173.** 111.71 (5m) of the statutes is repealed.

21 **SECTION 174.** 111.77 (intro.) of the statutes is amended to read:

22 **111.77 Settlement of disputes in collective bargaining units composed**
23 **of law enforcement personnel and fire fighters.** (intro.) Municipal In fire
24 departments and city and county law enforcement agencies municipal employers
25 and ~~public safety~~ employees, as provided in sub. (8), have the duty to bargain

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1 collectively in good faith including the duty to refrain from strikes or lockouts and
2 to comply with the following:

3 **SECTION 175.** 111.77 (8) (a) of the statutes is amended to read:

4 111.77 (8) (a) This section applies to ~~public safety employees who are law~~
5 enforcement supervisors employed by a county having a population of 500,000 or
6 more. For purposes of such application, the term “municipal employee” includes
7 such a supervisor.

8 **SECTION 176.** 111.77 (9) of the statutes is amended to read:

9 111.77 (9) Section 111.70 (4) (c) 3., ~~(eg)~~, and (cm) does not apply to employments
10 covered by this section.

11 **SECTION 177.** 111.80 of the statutes is created to read:

12 **111.80 Declaration of policy.** The public policy of the state as to labor
13 relations and collective bargaining in state employment, in the furtherance of which
14 this subchapter is enacted, is as follows:

15 (1) It recognizes that there are 3 major interests involved: that of the public,
16 that of the employee, and that of the employer. These 3 interests are to a considerable
17 extent interrelated. It is the policy of this state to protect and promote each of these
18 interests with due regard to the situation and to the rights of the others.

19 (2) Orderly and constructive employment relations for employees and the
20 efficient administration of state government are promotive of all these interests.
21 They are largely dependent upon the maintenance of fair, friendly, and mutually
22 satisfactory employee management relations in state employment, and the
23 availability of suitable machinery for fair and peaceful adjustment of whatever
24 controversies may arise. It is recognized that whatever may be the rights of
25 disputants with respect to each other in any controversy regarding state

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1 employment relations, neither party has any right to engage in acts or practices that
2 jeopardize the public safety and interest and interfere with the effective conduct of
3 public business.

4 (3) Where permitted under this subchapter, negotiations of terms and
5 conditions of state employment should result from voluntary agreement between the
6 state and its agents as employer, and its employees. For that purpose an employee
7 may, if the employee desires, associate with others in organizing and in bargaining
8 collectively through representatives of the employee's own choosing without
9 intimidations or coercion from any source.

10 (4) It is the policy of this state, in order to preserve and promote the interests
11 of the public, the employee, and the employer alike, to encourage the practices and
12 procedures of collective bargaining in state employment subject to the requirements
13 of the public service and related laws, rules, and policies governing state
14 employment, by establishing standards of fair conduct in state employment
15 relations, and by providing a convenient, expeditious, and impartial tribunal in
16 which these interests may have their respective rights determined.

17 **SECTION 178.** 111.81 (1) of the statutes is amended to read:

18 111.81 (1) "Collective bargaining" means the performance of the mutual
19 obligation of the state as an employer, by its officers and agents, and the
20 representatives of its employees, to meet and confer at reasonable times, in good
21 faith, with respect to the subjects of bargaining provided in s. 111.91 (1), ~~with respect~~
22 ~~to public safety employees, and to the subjects of bargaining provided in s. 111.91 (3),~~
23 ~~with respect to general employees,~~ with the intention of reaching an agreement, or
24 to resolve questions arising under such an agreement. The duty to bargain, however,
25 does not compel either party to agree to a proposal or require the making of a

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1 concession. Collective bargaining includes the reduction of any agreement reached
2 to a written and signed document.

3 **SECTION 179.** 111.81 (3h) of the statutes is created to read:

4 111.81 (3h) “Consumer” has the meaning given in s. 46.2898 (1) (cm).

5 **SECTION 180.** 111.81 (3n) of the statutes is repealed.

6 **SECTION 181.** 111.81 (7) (g) of the statutes is created to read:

7 111.81 (7) (g) For purposes of this subchapter only, home care providers. This
8 paragraph does not make home care providers state employees for any other purpose
9 except collective bargaining.

10 **SECTION 182.** 111.81 (9) of the statutes is amended to read:

11 111.81 (9) “Fair-share agreement” means an agreement between the employer
12 and a labor organization representing ~~public safety employees~~ or supervisors
13 specified in s. 111.825 (5) under which all of the ~~public safety employees~~ or
14 supervisors in a collective bargaining unit are required to pay their proportionate
15 share of the cost of the collective bargaining process and contract administration
16 measured by the amount of dues uniformly required of all members.

17 **SECTION 183.** 111.81 (9g) of the statutes is repealed.

18 **SECTION 184.** 111.81 (9k) of the statutes is created to read:

19 111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898
20 (1) (f).

21 **SECTION 185.** 111.81 (12) (intro.) of the statutes is amended to read:

22 111.81 (12) (intro.) “Labor organization” means any employee organization
23 whose purpose is to represent employees in collective bargaining with the employer,
24 or its agents, on matters ~~that are subject to collective bargaining under s. 111.91 (1)~~

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1 ~~or (3), whichever is applicable~~ pertaining to terms and conditions of employment; but
2 the term shall not include any organization:

3 **SECTION 186.** 111.81 (12m) of the statutes is amended to read:

4 111.81 (12m) "Maintenance of membership agreement" means an agreement
5 between the employer and a labor organization representing ~~public safety~~ employees
6 or supervisors specified in s. 111.825 (5) which requires that all of the ~~public safety~~
7 employees or supervisors whose dues are being deducted from earnings under s.
8 20.921 (1) or 111.84 (1) (f) at the time the agreement takes effect shall continue to
9 have dues deducted for the duration of the agreement, and that dues shall be
10 deducted from the earnings of all ~~public safety~~ employees or supervisors who are
11 hired on or after the effective date of the agreement.

12 **SECTION 187.** 111.81 (15r) of the statutes is repealed. ✓

13 **SECTION 188.** 111.81 (16) of the statutes is amended to read:

14 111.81 (16) "Referendum" means a proceeding conducted by the commission in
15 which ~~public safety~~ employees, or supervisors specified in s. 111.825 (5), in a
16 collective bargaining unit may cast a secret ballot on the question of directing the
17 labor organization and the employer to enter into a fair-share or maintenance of
18 membership agreement or to terminate such an agreement.

19 **SECTION 189.** 111.815 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
20 is renumbered 111.815 (1) (a) and amended to read:

21 111.815 (1) (a) In the furtherance of this subchapter, the state shall be
22 considered as a single employer and employment relations policies and practices
23 throughout the state service shall be as consistent as practicable. The office shall
24 negotiate and administer collective bargaining agreements, except that the
25 department of health services, subject to the approval of the federal centers for

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118.25 (1r), (1t), and (2g),

1 medicare and medical services to use collective bargaining as the method of setting
2 rates for reimbursement of home care providers, shall negotiate and administer
3 collective bargaining agreements entered into with the collective bargaining unit
4 specified in s. 111.825 (2g). To coordinate the employer position in the negotiation
5 of agreements, the office shall maintain close liaison with the legislature relative to
6 the negotiation of agreements and the fiscal ramifications of those agreements.

7 (b) 1. Except with respect to the collective bargaining unit specified in s.
8 111.825 (1r), (1t), and (2g), the office is responsible for the employer functions of the
9 executive branch under this subchapter, and shall coordinate its collective
10 bargaining activities with operating state agencies on matters of agency concern.
11 The legislative branch shall act upon those portions of tentative agreements
12 negotiated by the office that require legislative action.

13 2. With respect to the collective bargaining units specified in s. 111.825 (1r), the
14 Board of Regents of the University of Wisconsin System is responsible for the
15 employer functions under this subchapter.

16 3. With respect to the collective bargaining units specified in s. 111.825 (1t), the
17 chancellor of the University of Wisconsin-Madison is responsible for the employer
18 functions under this subchapter.

19 4. With respect to the collective bargaining unit specified in s. 111.825 (1r) (ef),
20 the governing board of the charter school established by contract under s. 118.40 (2r)
21 (cm) is responsible for the employer functions under this subchapter.

22 **SECTION 190.** 111.815 (1) (b) 5. of the statutes is created to read:

23 111.815 (1) (b) 5. With respect to the collective bargaining unit specified in s.
24 111.825 (2g), the department of health services is responsible for the employer
25 functions of the executive branch under this subchapter.

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1 **SECTION 191.** 111.815 (2) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 111.815 (2) ~~The~~ In the furtherance of the policy under s. 111.80 (4), the director
4 of the office shall, together with the appointing authorities or their representatives,
5 represent the state in its responsibility as an employer under this subchapter except
6 with respect to negotiations in the collective bargaining ~~unit~~ units specified in s.
7 111.825 (1r), (1t), and (2g). The director of the office shall establish and maintain,
8 wherever practicable, consistent employment relations policies and practices
9 throughout the state service.

10 **SECTION 192.** 111.82 of the statutes is amended to read:

11 **111.82 Rights of employees.** Employees have the right of self-organization
12 and the right to form, join, or assist labor organizations, to bargain collectively
13 through representatives of their own choosing under this subchapter, and to engage
14 in lawful, concerted activities for the purpose of collective bargaining or other mutual
15 aid or protection. Employees also have the right to refrain from any or all of such
16 activities. ~~A general employee has the right to refrain from paying dues while~~
17 ~~remaining a member of a collective bargaining unit.~~

18 **SECTION 193.** 111.825 (1) (g) of the statutes is repealed.

19 **SECTION 194.** 111.825 (2g) of the statutes is created to read:

20 111.825 (2g) A collective bargaining unit for employees who are home care
21 providers shall be structured as a single statewide collective bargaining unit.

22 **SECTION 195.** 111.825 (3) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 111.825 (3) The commission shall assign employees to the appropriate
25 collective bargaining units set forth in subs. (1), (1r), (1t), and (2), and (2g).

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1 **SECTION 196.** 111.825 (4) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 111.825 (4) Any labor organization may petition for recognition as the exclusive
4 representative of a collective bargaining unit specified in sub. (1), (1r), (1t), ~~or (2)~~, or
5 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
6 petition is accompanied by a 30% showing of interest in the form of signed
7 authorization cards. Each additional labor organization seeking to appear on the
8 ballot shall file petitions within 60 days of the date of filing of the original petition
9 and prove, through signed authorization cards, that at least 10% of the employees
10 in the collective bargaining unit want it to be their representative.

11 **SECTION 197.** 111.825 (5) of the statutes is amended to read:

12 111.825 (5) Although supervisors are not considered employees for purposes
13 of this subchapter, the commission may consider a petition for a statewide collective
14 bargaining unit of professional supervisors or a statewide unit of nonprofessional
15 supervisors in the classified service, but the representative of supervisors may not
16 be affiliated with any labor organization representing employees. For purposes of
17 this subsection, affiliation does not include membership in a national, state, county
18 or municipal federation of national or international labor organizations. The
19 certified representative of supervisors ~~who are not public safety employees~~ may not
20 bargain collectively with respect to any matter other than wages and fringe benefits
21 as provided in s. 111.91 (3), ~~and the certified representative of supervisors who are~~
22 ~~public safety employees may not bargain collectively with respect to any matter other~~
23 ~~than wages and fringe benefits as provided in s. 111.91 (1).~~

24 **SECTION 198.** 111.825 (6) (a) of the statutes, as affected by 2011 Wisconsin Act
25 32, is renumbered 111.825 (6).

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1 **SECTION 199.** 111.825 (6) (b) of the statutes is repealed.

2 **SECTION 200.** 111.83 (1) of the statutes is amended to read:

3 111.83 (1) Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
4 chosen for the purposes of collective bargaining by a majority of the employees voting
5 in a collective bargaining unit shall be the exclusive representative of all of the
6 employees in such unit for the purposes of collective bargaining. Any individual
7 employee, or any minority group of employees in any collective bargaining unit, may
8 present grievances to the employer in person, or through representatives of their own
9 choosing, and the employer shall confer with said employee or group of employees in
10 relation thereto if the majority representative has been afforded the opportunity to
11 be present at the conference. Any adjustment resulting from such a conference may
12 not be inconsistent with the conditions of employment established by the majority
13 representative and the employer.

14 **SECTION 201.** 111.83 (3) (a) of the statutes is renumbered 111.83 (3).

15 **SECTION 202.** 111.83 (3) (b) of the statutes is repealed.

16 **SECTION 203.** 111.83 (4) of the statutes is amended to read:

17 111.83 (4) Whenever an election has been conducted under sub. (3) (a) in which
18 the name of more than one proposed representative appears on the ballot and results
19 in no conclusion, the commission may, if requested by any party to the proceeding
20 within 30 days from the date of the certification of the results of the election, conduct
21 a runoff election. In that runoff election, the commission shall drop from the ballot
22 the name of the representative who received the least number of votes at the original
23 election. The commission shall drop from the ballot the privilege of voting against
24 any representative if the least number of votes cast at the first election was against
25 representation by any named representative.

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1 **SECTION 204.** 111.83 (5m) of the statutes is created to read:

2 111.83 **(5m)** (a) This subsection applies only to a collective bargaining unit
3 specified in s. 111.825 (2g).

4 (am) 1. Subject to subd. 2., the department of health services shall provide a
5 labor organization with the list of home care providers provided to the department
6 of health services under s. 52.20 (5) if any of the following applies:

7 a. The labor organization demonstrates a showing of interest of at least 3
8 percent of home care providers included in the collective bargaining unit under s.
9 111.825 (2g) to be represented by that labor organization.

10 b. The labor organization is a certified representative of any home care
11 providers in this state.

12 c. The labor organization was a certified representative of any home care
13 providers in this state prior to July 1, 2009.

14 2. A labor organization shall agree to use any list it receives under subd. 1. only
15 for communicating with home care providers concerning the exercise of their rights
16 under s. 111.82 and shall agree to keep the list confidential.

17 (b) Upon the filing of a petition with the commission indicating a showing of
18 interest of at least 30 percent of the home care providers included in the collective
19 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
20 change the existing representative, the commission shall hold an election in which
21 the home care providers may vote on the question of representation. The labor
22 organization named in the petition shall be included on the ballot. Within 60 days
23 of the time that the petition is filed, another petition may be filed with the
24 commission indicating a showing of interest of at least 10 percent of the home care
25 providers who are included in the collective bargaining unit under s. 111.825 (2g) to

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1 be represented by another labor organization, in which case the name of that labor
2 organization shall also be included on the ballot.

3 (c) If at an election held under par. (b), a majority of home care providers voting
4 in the collective bargaining unit vote for a single labor organization, the labor
5 organization shall be the exclusive representative for all home care providers in that
6 collective bargaining unit. If no single labor organization receives a majority of the
7 votes cast, the commission may hold one or more runoff elections under sub. (4) until
8 one labor organization receives a majority of the votes cast.

9 **SECTION 205.** 111.84 (1) (b) of the statutes is amended to read:

10 111.84 (1) (b) Except as otherwise provided in this paragraph, to initiate,
11 create, dominate or interfere with the formation or administration of any labor or
12 employee organization or contribute financial support to it. Except as provided in
13 ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin
14 retirement system under ch. 40 and no action by the employer that is authorized by
15 such a law constitutes a violation of this paragraph unless an applicable collective
16 bargaining agreement ~~covering a collective bargaining unit under s. 111.825 (1) (g)~~
17 specifically prohibits the change or action. No such change or action affects the
18 continuing duty to bargain collectively ~~with a collective bargaining unit under s.~~
19 ~~111.825 (1) (g)~~ regarding the Wisconsin retirement system under ch. 40 to the extent
20 required by s. 111.91 (1). It is not an unfair labor practice for the employer to
21 reimburse an employee at his or her prevailing wage rate for the time spent during
22 the employee's regularly scheduled hours conferring with the employer's officers or
23 agents and for attendance at commission or court hearings necessary for the
24 administration of this subchapter. Professional supervisory or craft personnel may
25 maintain membership in professional or craft organizations; however, as members

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1 of such organizations they shall be prohibited from those activities related to
2 collective bargaining in which the organizations may engage.

3 **SECTION 206.** 111.84 (1) (d) of the statutes is amended to read:

4 111.84 (1) (d) To refuse to bargain collectively on matters set forth in s. 111.91
5 (1) ~~or (3), whichever is appropriate,~~ with a representative of a majority of its
6 employees in an appropriate collective bargaining unit. Where the employer has a
7 good faith doubt as to whether a labor organization claiming the support of a majority
8 of its employees in appropriate collective bargaining unit does in fact have that
9 support, it may file with the commission a petition requesting an election as to that
10 claim. It is not deemed to have refused to bargain until an election has been held and
11 the results thereof certified to it by the commission. A violation of this paragraph
12 includes, but is not limited to, the refusal to execute a collective bargaining
13 agreement previously orally agreed upon.

14 **SECTION 207.** 111.84 (1) (f) of the statutes is amended to read:

15 111.84 (1) (f) To deduct labor organization dues from the an employee's
16 ~~earnings of a public safety employee,~~ unless the employer has been presented with
17 an individual order therefor, signed by the ~~public safety~~ employee personally, and
18 terminable by at least the end of any year of its life or earlier by the ~~public safety~~
19 employee giving at least 30 but not more than 120 days' written notice of such
20 termination to the employer and to the representative labor organization, except if
21 there is a fair-share or maintenance of membership agreement in effect. The
22 employer shall give notice to the labor organization of receipt of such notice of
23 termination.

24 **SECTION 208.** 111.84 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
25 32, is amended to read:

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1 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
2 (1) ~~or (3), whichever is appropriate~~, with the duly authorized officer or agent of the
3 employer which is the recognized or certified exclusive collective bargaining
4 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
5 bargaining unit or with the certified exclusive collective bargaining representative
6 of employees specified in s. 111.81 (7) (ar) to ~~(f)~~ (g) in an appropriate collective
7 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
8 refusal to execute a collective bargaining agreement previously orally agreed upon.

9 **SECTION 209.** 111.84 (3) of the statutes is amended to read:

10 111.84 (3) It is an unfair labor practice for any person to do or cause to be done
11 on behalf of or in the interest of employers or employees, or in connection with or to
12 influence the outcome of any controversy as to employment relations, any act
13 prohibited by ~~sub.~~ subs. (1) ~~or and~~ (2).

14 **SECTION 210.** 111.845 of the statutes is repealed.

15 **SECTION 211.** 111.85 (1), (2) and (4) of the statutes are amended to read:

16 111.85 (1) (a) No fair-share or maintenance of membership agreement
17 ~~covering public safety employees may become~~ is effective unless authorized by a
18 referendum. The commission shall order a referendum whenever it receives a
19 petition supported by proof that at least 30% 30 percent of the ~~public safety~~
20 employees or supervisors specified in s. 111.825 (5) in a collective bargaining unit
21 desire that a fair-share or maintenance of membership agreement be entered into
22 between the employer and a labor organization. A petition may specify that a
23 referendum is requested on a maintenance of membership agreement only, in which
24 case the ballot shall be limited to that question.

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1 (b) For a fair-share agreement to be authorized, at least two-thirds of the
2 eligible ~~public-safety employees~~ or supervisors voting in a referendum shall vote in
3 favor of the agreement. For a maintenance of membership agreement to be
4 authorized, at least a majority of the eligible ~~public-safety employees~~ or supervisors
5 voting in a referendum shall must vote in favor of the agreement. In a referendum
6 on a fair-share agreement, if less than two-thirds but more than one-half of the
7 eligible ~~public-safety employees~~ or supervisors vote in favor of the agreement, a
8 maintenance of membership agreement is authorized.

9 (c) If a fair-share or maintenance of membership agreement is authorized in
10 a referendum, the employer shall enter into such an agreement with the labor
11 organization named on the ballot in the referendum. Each fair-share or
12 maintenance of membership agreement shall ~~contain a provision requiring~~ require
13 the employer to deduct the amount of dues as certified by the labor organization from
14 the earnings of the ~~public-safety employees~~ or supervisors affected by the agreement
15 and to pay the amount so deducted to the labor organization. Unless the parties
16 agree to an earlier date, the agreement shall ~~take~~ takes effect 60 days after
17 certification by the commission that the referendum vote authorized the agreement.
18 The employer shall be held harmless against any claims, demands, suits and other
19 forms of liability made by ~~public-safety employees~~ or supervisors or local labor
20 organizations which may arise for actions ~~taken by the employer~~ takes in compliance
21 with this section. All such lawful claims, demands, suits, and other forms of liability
22 are the responsibility of the labor organization entering into the agreement.

23 (d) Under each fair-share or maintenance of membership agreement, ~~a public~~
24 ~~safety~~ an employee or supervisor who has religious convictions against dues
25 payments to a labor organization based on teachings or tenets of a church or religious

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1 body of which he or she is a member ~~shall, on~~ may request to the labor organization,
2 ~~have to pay~~ his or her dues ~~paid~~ to a charity mutually agreed upon by the public
3 ~~safety employee or supervisor~~ and the labor organization. Any dispute ~~concerning~~
4 under this paragraph may be submitted to the commission for adjudication.

5 (2) (a) Once authorized, a fair-share or maintenance of membership
6 ~~agreement covering public safety employees shall continue~~ is in effect, subject to the
7 right of the employer or labor organization concerned to petition the commission to
8 conduct a new referendum. Such petition must be supported by proof that at least
9 ~~30%~~ 30 percent of the ~~public safety employees or supervisors~~ in the collective
10 bargaining unit desire that the fair-share or maintenance of membership agreement
11 be discontinued. Upon so finding, the commission shall conduct a new referendum.
12 If the continuance of the fair-share or maintenance of membership agreement is
13 approved in the referendum by at least the percentage of eligible voting ~~public safety~~
14 ~~employees or supervisors~~ required for its initial authorization, it shall be continued
15 in effect, subject to the right of the employer or labor organization to later initiate a
16 further vote following the procedure prescribed in this subsection. If the
17 continuation of the agreement is not supported in any referendum, it ~~is deemed~~
18 ~~terminated~~ terminates at the termination of the collective bargaining agreement, or
19 one year from the date of the certification of the result of the referendum, whichever
20 is earlier.

21 (b) The commission shall ~~declare~~ suspend any fair-share or maintenance of
22 membership agreement ~~suspended~~ upon such conditions and for such time as the
23 commission decides whenever it finds that the labor organization involved has
24 refused on the basis of race, color, sexual orientation, or creed to receive as a member
25 any ~~public safety employee or supervisor~~ in the collective bargaining unit involved,

BILL**SECTION 211**

1 and the agreement shall be made subject to the findings and orders of the
2 commission. Any of the parties to the agreement, or any ~~public safety~~ employee or
3 supervisor covered thereby, may come before the commission, as provided in s.
4 111.07, and petition the commission to make such a finding.

5 (4) The commission may, under rules adopted for that purpose, appoint as its
6 agent an official of a state agency whose ~~public safety~~ employees are entitled to vote
7 in a referendum to conduct a referendum provided for herein.

8 **SECTION 212.** 111.905 of the statutes is created to read:

9 **111.905 Rights of consumer.** (1) This subchapter does not interfere with the
10 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
11 or discipline home care providers or to set conditions and duties of employment.

12 (2) A home care provider is an at will provider of home care services to a
13 consumer, and this subchapter does not interfere with that relationship.

14 **SECTION 213.** 111.91 (1) (a) of the statutes is amended to read:

15 111.91 (1) (a) Except as provided in pars. (b) to (d), ~~with regard to a collective~~
16 ~~bargaining unit under s. 111.825 (1) (g) (e),~~ matters subject to collective bargaining
17 to the point of impasse are wage rates, consistent with sub. (2), the assignment and
18 reassignment of classifications to pay ranges, determination of an incumbent's pay
19 status resulting from position reallocation or reclassification, and pay adjustments
20 upon temporary assignment of classified ~~public safety~~ employees to duties of a higher
21 classification or downward reallocations of a classified ~~public safety~~ employee's
22 position; fringe benefits consistent with sub. (2); hours and conditions of
23 employment.

24 **SECTION 214.** 111.91 (1) (b) of the statutes is amended to read:

BILL

1 111.91 (1) (b) The employer is not required to bargain ~~with a collective~~
2 ~~bargaining unit under s. 111.825 (1) (g)~~ on management rights under s. 111.90, except
3 that procedures for the adjustment or settlement of grievances or disputes arising
4 out of any type of disciplinary action referred to in s. 111.90 (3) shall be a subject of
5 bargaining.

6 **SECTION 215.** 111.91 (1) (c) of the statutes is amended to read:

7 111.91 (1) (c) The employer is prohibited from bargaining ~~with a collective~~
8 ~~bargaining unit under s. 111.825 (1) (g)~~ on matters contained in sub. (2).

9 **SECTION 216.** 111.91 (1) (cg) of the statutes is created to read:

10 111.91 (1) (cg) The representative of home care providers in the collective
11 bargaining unit specified under s. 111.825 (2g) may not bargain collectively with
12 respect to any matter other than wages and fringe benefits.

13 **SECTION 217.** 111.91 (1) (cm) of the statutes is amended to read:

14 111.91 (1) (cm) Except as provided in sub. (2) and ss. 40.02 (22) (e) and 40.23
15 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40 and all
16 actions of the employer that are authorized under any such law which apply to
17 nonrepresented individuals employed by the state shall apply to similarly situated
18 ~~public safety~~ employees, unless otherwise specifically provided in a collective
19 bargaining agreement that applies to the ~~public safety~~ employees.

20 **SECTION 218.** 111.91 (1) (d) of the statutes is amended to read:

21 111.91 (1) (d) ~~In the case of a collective bargaining unit under s. 111.825 (1) (g),~~
22 ~~demands~~ Demands relating to retirement and group insurance shall be submitted
23 to the employer at least one year prior to commencement of negotiations.

24 **SECTION 219.** 111.91 (1) (e) of the statutes is created to read:

BILL**SECTION 219**

1 111.91 (1) (e) The employer is not be required to bargain on matters related to
2 employee occupancy of houses or other lodging provided by the state.

3 **SECTION 220.** 111.91 (2) (intro.) of the statutes is amended to read:

4 111.91 (2) (intro.) The employer is prohibited from bargaining with a collective
5 bargaining unit under s. 111.825 (1) (g) with respect to all of the following:

6 **SECTION 221.** 111.91 (2) (fm) of the statutes is repealed.

7 **SECTION 222.** 111.91 (2) (gu) of the statutes is amended to read:

8 111.91 (2) (gu) The right of ~~a public safety employee, who is an employee,~~ as
9 defined in s. 103.88 (1) (d), ~~and~~ who is a fire fighter, emergency medical technician,
10 first responder, or ambulance driver for a volunteer fire department or fire company,
11 a public agency, as defined in s. 256.15 (1) (n), or a nonprofit corporation, as defined
12 in s. 256.01 (12), to respond to an emergency as provided under s. 103.88 (2).

13 **SECTION 223.** 111.91 (2c) of the statutes is created to read:

14 111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer
15 is prohibited from bargaining with a collective bargaining unit formed under s.
16 111.825 (2g) on any of the following:

17 (a) Policies.

18 (b) Work rules.

19 (c) Hours of employment.

20 (d) Any right of the consumer under s. 111.905.

21 **SECTION 224.** 111.91 (3) of the statutes is repealed.

22 **SECTION 225.** 111.91 (3q) of the statutes is repealed.

23 **SECTION 226.** 111.92 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act
24 32, is amended to read:

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111.92 (1) (a) 1. Any tentative agreement reached between the office, or, as provided in s. 111.815 (1), the department of health services acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) ~~or~~, (2) (d) or (e), or (2g) shall, after official ratification by the labor organization, be submitted by the office or department of health services to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval.

SECTION 227. 111.92 (2m) of the statutes is created to read:

111.92 (2m) A collective bargaining agreement entered into by a collective bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2013.

SECTION 228. 111.92 (3) (a) of the statutes is renumbered 111.92 (3) and amended to read:

111.92 (3) ~~Agreements covering a collective bargaining unit specified under s. 111.825 (1) (g)~~ shall coincide with the fiscal year or biennium.

SECTION 229. 111.92 (3) (b) of the statutes is repealed.

SECTION 230. 111.93 (3) (intro.) and (a) of the statutes ^{↑ as affected by 2011 Wisconsin Acts 10 and 32} are consolidated, renumbered 111.93 (3) and amended to read:

111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm), 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), ~~all of the following apply: (a) If~~ if a collective bargaining agreement exists between the employer and a labor organization representing employees in a collective bargaining unit ~~under s. 111.825 (1) (g)~~, the provisions of that agreement shall supersede the provisions of civil service and other applicable statutes, as well as rules and policies of the University of Wisconsin-Madison and the board of regents of the University of Wisconsin System, related to wages, fringe benefits, hours, and conditions of employment whether or

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SECTION 230

1 not the matters contained in those statutes, rules, and policies are set forth in the
2 collective bargaining agreement.

3 **SECTION 231.** 111.93 (3) (b) of the statutes is repealed.

4 **SECTION 232.** 118.22 (4) of the statutes is created to read:

5 118.22 (4) A collective bargaining agreement may modify, waive, or replace any
6 of the provisions of this section as they apply to teachers in the collective bargaining
7 unit, but neither the employer nor the bargaining agent for the employees is required
8 to bargain such modification, waiver, or replacement.

9 **SECTION 233.** 118.223 of the statutes is repealed.

10 **SECTION 234.** 118.23 (5) of the statutes is created to read:

11 118.23 (5) A collective bargaining agreement may modify, waive, or replace any
12 of the provisions of this section as they apply to teachers in the collective bargaining
13 unit, but neither the employer nor the bargaining agent for the employees is required
14 to bargain such modification, waiver, or replacement.

15 **SECTION 235.** 118.245 of the statutes is repealed.

16 **SECTION 236.** 118.40 (2r) (b) 3. a. of the statutes is amended to read:

17 118.40 (2r) (b) 3. a. Delegate to the governing board of the charter school the
18 board of regents' authority to establish and adjust all compensation and fringe
19 benefits of instructional staff, subject to the terms of any collective bargaining
20 agreement under subch. V of ch. 111 that covers the instructional staff. In the
21 absence of a collective bargaining agreement, the governing board may establish and
22 adjust all compensation and fringe benefits of the instructional staff only with the
23 approval of the chancellor of the University of Wisconsin-Parkside.

24 **SECTION 237.** 118.42 (3) (a) 4. of the statutes is amended to read:

BILL

1 118.42 (3) (a) 4. Implement changes in administrative and personnel
2 structures that are consistent with applicable collective bargaining agreements.

3 **SECTION 238.** 118.42 (5) of the statutes is amended to read:

4 118.42 (5) Nothing in this section alters or otherwise affects the rights or
5 remedies afforded school districts and school district employees under federal or
6 state law or under the terms of any applicable collective bargaining agreement.

7 **SECTION 239.** 119.04 (1) of the statutes is amended to read:

8 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
9 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
10 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
11 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
12 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
13 ~~118.223~~, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258,
14 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12
15 (2m), ~~(4m)~~, (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19),
16 (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to
17 a 1st class city school district and board.

18 **SECTION 240.** 120.12 (4m) of the statutes is repealed.

19 **SECTION 241.** 120.12 (15) of the statutes is amended to read:

20 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
21 school day. The school board may differentiate between the various elementary and
22 high school grades in scheduling the school day. The equivalent of 180 such days, as
23 defined in s. 115.01 (10), shall be held during the school term. This subsection does
24 not eliminate a school district's duty to bargain with the employee's collective

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BILL**SECTION 241**

1 bargaining representative over any calendaring proposal that is primarily related to
2 wages, hours, or conditions of employment.

3 **SECTION 242.** 120.18 (1) (gm) of the statutes is amended to read:

4 120.18 (1) (gm) Payroll and related benefit costs for all school district
5 employees in the previous school year. ~~Payroll costs~~ Costs for represented employees
6 shall be based upon the costs ~~of wages~~ of any collective bargaining agreements
7 covering such employees for the previous school year. If, as of the time specified by
8 the department for filing the report, the school district has not entered into a
9 collective bargaining agreement for any portion of the previous school year with the
10 recognized or certified representative of any of its employees and the school district
11 and the representative have been required to submit final offers under s. 111.70 (4)
12 (cm) 6., increased costs of wages limited to the lower of the school district's offer or
13 the representative's offer shall be reflected in the report shall be equal to the
14 maximum wage expenditure that is subject to collective bargaining under s. 111.70
15 (4) (mb) 2. for the employees. The school district shall amend the annual report to
16 reflect any change in such costs as a result of any ~~collective bargaining agreement~~
17 entered into award or settlement under s. 111.70 (4) (cm) 6. between the date of filing
18 the report and October 1. Any such amendment shall be concurred in by the certified
19 public accountant licensed or certified under ch. 442 certifying the school district
20 audit.

21 **SECTION 243.** 230.01 (3) of the statutes is amended to read:

22 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
23 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

24 **SECTION 244.** 230.03 (3) of the statutes ^{is} amended to read:

(N) F

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1 230.03 (3) "Agency" means any board, commission, committee, council, or
2 department in state government or a unit thereof created by the constitution or
3 statutes if such board, commission, committee, council, department, unit, or the
4 head thereof, is authorized to appoint subordinate staff by the constitution or
5 statute, except the Board of Regents of the University of Wisconsin System, a
6 legislative or judicial board, commission, committee, council, department, or unit
7 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or
8 under ch. ⁵²~~53~~ 231, 232, 233, 234, 237, 238, or 279. "Agency" does not mean any local
9 unit of government or body within one or more local units of government that is
10 created by law or by action of one or more local units of government.

11 **SECTION 245.** 230.046 (10) (a) of the statutes is amended to read:

12 230.046 (10) (a) Conduct off-the-job employee development and training
13 programs relating to functions under this chapter or subch. V or VI of ch. 111.

14 **SECTION 246.** 230.10 (1) of the statutes is amended to read:

15 230.10 (1) Except as provided under sub. (2), the compensation plan provisions
16 of s. 230.12 apply to all employees of the classified service. ~~If an employee is covered~~
17 ~~under a collective bargaining agreement under subch. V of ch. 111, the compensation~~
18 ~~plan provisions of s. 230.12 apply to that employee, except for those provisions~~
19 ~~relating to matters that are subject to bargaining under a collective bargaining~~
20 ~~agreement that covers the employee, unless they are covered by a collective~~
21 bargaining agreement under subch. V of ch. 111.

22 **SECTION 247.** 230.12 (3) (e) 1. of the statutes, as affected by 2011 Wisconsin Act
23 32, is amended to read:

24 230.12 (3) (e) 1. The director, after receiving recommendations from the board
25 of regents and the chancellor of the University of Wisconsin-Madison, shall submit

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1 to the joint committee on employment relations a proposal for adjusting
2 compensation and employee benefits for University of Wisconsin System employees
3 who are not included in a collective bargaining unit under subch. VI of ch. 111 for
4 which a representative is certified. The proposal shall be based upon the competitive
5 ability of the board of regents to recruit and retain qualified faculty and academic
6 staff, data collected as to rates of pay for comparable work in other public services,
7 universities and commercial and industrial establishments, recommendations of the
8 board of regents and any special studies carried on as to the need for any changes in
9 compensation and employee benefits to cover each year of the biennium. The
10 proposal shall also take proper account of prevailing pay rates, costs and standards
11 of living and the state's employment policies. The proposal for such pay adjustments
12 may contain recommendations for across-the-board pay adjustments, merit or other
13 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
14 shall apply to the process for approval of all pay adjustments for University of
15 Wisconsin System employees. The proposal as approved by the joint committee on
16 employment relations and the governor shall be based upon a percentage of the
17 budgeted salary base for University of Wisconsin System employees. The amount
18 included in the proposal for merit and adjustments other than across-the-board pay
19 adjustments is available for discretionary use by the board of regents.

20 **SECTION 248.** 230.34 (1) (ar) of the statutes, as affected by 2011 Wisconsin Act
21 32, is amended to read:

22 230.34 (1) (ar) Paragraphs (a) and (am) apply to all employees with permanent
23 status in class in the classified service and all employees who have served with the
24 state as an assistant district attorney for a continuous period of 12 months or more
25 (ar), except that for employees specified in s. 111.81 (7) (a) in a collective bargaining

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1 unit for which a representative is recognized or certified, or for employees specified
2 in s. 111.81 (7) (b) or (c) in a collective bargaining unit for which a representative is
3 certified, if a collective bargaining agreement is in effect covering employees in the
4 collective bargaining unit, the provisions of the collective bargaining agreement
5 govern just cause and all aspects of the appeal procedure.

6 **SECTION 249.** 230.35 (1s) of the statutes is amended to read:

7 230.35 (1s) Annual leave of absence with pay for instructional staff employed
8 by the board of regents of the University of Wisconsin System who provide services
9 for a charter school established by contract under s. 118.40 (2r) (cm) shall be
10 determined by the governing board of the charter school established by contract
11 under s. 118.40 (2r) (cm), as approved by the chancellor of the University of
12 Wisconsin–Parkside and subject to the terms of any collective bargaining agreement
13 under subch. V of ch. 111 covering the instructional staff.

14 **SECTION 250.** 230.35 (2d) (e) of the statutes is amended to read:

15 230.35 (2d) (e) For employees who are included in a collective bargaining unit
16 for which a representative is recognized or certified under subch. V or VI of ch. 111,
17 this subsection shall apply unless otherwise provided in a collective bargaining
18 agreement.

19 **SECTION 251.** 230.35 (3) (e) 6. of the statutes is amended to read:

20 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
21 for which a representative is recognized or certified under subch. V or VI of ch. 111,
22 this paragraph shall apply unless otherwise provided in a collective bargaining
23 agreement.

24 **SECTION 252.** 230.88 (2) (b) of the statutes is amended to read:

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1 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
2 employee under this subchapter. However, nothing in this subchapter affects any
3 right of an employee to pursue a grievance procedure under a collective bargaining
4 agreement under subch. V or VI of ch. 111, and if the division of equal rights
5 determines that a grievance arising under such a collective bargaining agreement
6 involves the same parties and matters as a complaint under s. 230.85, it shall order
7 the arbitrator's final award on the merits conclusive as to the rights of the parties
8 to the complaint, on those matters determined in the arbitration which were at issue
9 and upon which the determination necessarily depended.

10 **SECTION 253.** 233.02 (1) (h) of the statutes is created to read:

11 233.02 (1) (h) Two nonvoting members appointed by the governor, one of whom
12 shall be an employee or a representative of a labor organization recognized or
13 certified to represent employees in one of the collective bargaining units specified in
14 s. 111.05 (5) (a) and one of whom shall be an employee or a representative of a labor
15 organization recognized or certified to represent employees in one of the collective
16 bargaining units specified in s. 111.825 (1m).

17 **SECTION 254.** 233.02 (8) of the statutes is amended to read:

18 233.02 (8) The members of the board of directors shall annually elect a
19 chairperson and may elect other officers as they consider appropriate. Eight voting
20 members of the board of directors constitute a quorum for the purpose of conducting
21 the business and exercising the powers of the authority, notwithstanding the
22 existence of any vacancy. The members of the board of directors specified under sub.
23 (1) (c) and (g) may not be the chairperson of the board of directors for purposes of 1995
24 Wisconsin Act 27, section 9159 (2). The board of directors may take action upon a vote

BILL

1 of a majority of the members present, unless the bylaws of the authority require a
2 larger number.

3 **SECTION 255.** 233.03 (7) of the statutes is amended to read:

4 233.03 (7) Subject to s. 233.10 and ch. 40 and 1995 Wisconsin Act 27, section
5 9159 (4) and the duty to engage in collective bargaining with employees in a collective
6 bargaining unit for which a representative is recognized or certified under subch. I
7 of ch. 111, employ any agent, employee or special advisor that the authority finds
8 necessary and fix his or her compensation and provide any employee benefits,
9 including an employee pension plan.

10 **SECTION 256.** 233.10 (2) (intro.) of the statutes is amended to read:

11 233.10 (2) (intro.) Subject to subs. (3), (3r), and (3t) and ch. 40 and the duty to
12 engage in collective bargaining with employees in a collective bargaining unit for
13 which a representative is recognized or certified under subch. I of ch. 111, the
14 authority shall establish any of the following:

15 **SECTION 257.** 281.75 (4) (b) 3. of the statutes is amended to read:

16 281.75 (4) (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
17 233, 234, 237, or 238.

18 **SECTION 258.** 285.59 (1) (b) of the statutes is amended to read:

19 285.59 (1) (b) "State agency" means any office, department, agency, institution
20 of higher education, association, society, or other body in state government created
21 or authorized to be created by the constitution or any law which is entitled to expend
22 moneys appropriated by law, including the legislature and the courts, the Wisconsin
23 Housing and Economic Development Authority, the Bradley Center Sports and
24 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
25 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace

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1 Authority, the Wisconsin Quality Home Care Authority, the Wisconsin Economic
2 Development Corporation, and the Wisconsin Health and Educational Facilities
3 Authority.

4 **SECTION 259.** 704.31 (3) of the statutes is amended to read:

5 704.31 (3) This section does not apply to a lease to which a local professional
6 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
7 Home Care Authority, or the Fox River Navigational System Authority is a party.

8 **SECTION 260.** 851.71 (4) of the statutes is amended to read:

9 851.71 (4) In counties having a population of 500,000 or more, the appointment
10 under subs. (1) and (2) shall be made as provided in those subsections but the judges
11 shall not remove the register in probate and deputy registers, except through charges
12 for dismissal made and sustained under s. 63.10 or an applicable collective
13 bargaining agreement.

14 **SECTION 261.** 904.085 (2) (a) of the statutes is amended to read:

15 904.085 (2) (a) “Mediation” means mediation under s. 93.50 (3), conciliation
16 under s. 111.54, mediation under s. 111.11, 111.70 (4) ~~(eg)~~ or (cm) 3. or 111.87,
17 mediation under s. 115.797, negotiation under s. 289.33 (9), mediation under ch. 655
18 or s. 767.405, or any similar statutory, contractual or court-referred process
19 facilitating the voluntary resolution of disputes. “Mediation” does not include
20 binding arbitration or appraisal.

21 **SECTION 262.** 978.12 (1) (c) of the statutes is amended to read:

22 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
23 employed outside the classified service. For purposes of salary administration, the
24 director of the office of state employment relations shall establish one or more
25 classifications for assistant district attorneys in accordance with the classification

BILL

1 or classifications allocated to assistant attorneys general. Except as provided in ss.
2 111.93 (3) (b) and 230.12 (10), the salaries of assistant district attorneys shall be
3 established and adjusted in accordance with the state compensation plan for
4 assistant attorneys general whose positions are allocated to the classification or
5 classifications established by the director of the office of state employment relations.

6 **SECTION 263.** 2011 Wisconsin Act 10, section 9132 is repealed.

7 **SECTION 264.** 2011 Wisconsin Act 10, section 9155 is repealed.

8 **SECTION 265. Initial applicability.**

9 (1) This act first applies to an employee who is covered by a collective
10 bargaining agreement under subchapter I, IV, or V of chapter 111 of the statutes that
11 contains provisions inconsistent with this act on the day on which the agreement
12 expires or is terminated, extended, modified, or renewed, whichever occurs first.

13 **SECTION 266. Effective date.**

14 (1) This act takes effect on July 1, 201⁵, or on the day after publication,
15 whichever is later.

16 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3774/lins
CMH:.....

1 Ins REL

2 prohibiting employees other than public safety employees from bargaining
3 collectively on insurance contributions and employee ^{or required} ~~requirement~~ contributions to
4 retirement,

6 Insert A-1

7 except that public safety employees who are municipal employees are
8 prohibited from bargaining over costs, payments, and the design and selection of
health care coverage plans and public safety employees who are state or municipal
employees are prohibited from bargaining over the requirement that the employer
may not pay any employee required contributions under the Wisconsin Retirement
System or under an employee retirement ^{system} of a first class city or a county having a
population of 500,000 or more (employee ^{required} contribution to a retirement
system) ~~or~~

8 Insert A-2

9 This bill does not change any exceptions listed above for public safety
10 employees, but does provide that ~~municipal and state employees who are not public~~
11 ~~safety or transit employees~~ are prohibited from bargaining over costs, payments, and
12 the design and selection of health care coverage plans and over the requirement that
13 the employer may not pay any employee required contributions to a retirement
system. This bill permits University of Wisconsin (UW) System employees to
collectively bargain over wages, hours, and conditions of employment subject to the
same prohibited subjects created in this bill for state employees.

10 Insert F

11 , as affected by 2013 Wisconsin Act 20,

13 Insert 63-25

(g) The requirement under s. 40.05 (1) (b) that the employer may not pay, on behalf of that employee, any employee required contributions or the employee share of required contributions and the impact of this requirement on the wages, hours, and conditions of employment of that employee.

(gm) All costs and payments associated with health care coverage plans, except for the employee premium contribution, and the design and selection of health care coverage plans by the employer, and the impact of such costs and payments and the design and selection of the health care coverage plans on the wages, hours, and conditions of employment of the employees.

Insert 98-20

SECTION 1. 111.70 (4) (mc) (intro) and 5. of the statutes are amended to read:

111.70 (4) (mc) *Prohibited subjects of bargaining; ~~public safety employees.~~*

(intro.) The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following:

5. If the collective bargaining unit contains a public safety employee who is initially employed on or after July 1, 2011, the The requirement under ss. 40.05 (1) (b), 59.875, and 62.623 that the municipal employer may not pay, on behalf of that public safety ^amunicipal employee, any employee required contributions or the employee share of required contributions, and the impact of this requirement on the wages, hours, and conditions of employment of ~~that public safety~~ the municipal employee. If This subdivision does not apply to a transit employee or to a public safety employee who is initially employed by a municipal employer before July 1, 2011, and this subdivision does not apply to that a public safety employee who is

1 initially employed by a municipal employer before July 1, 2011, if he or she is
2 employed as a public safety employee by a successor municipal employer in the event
3 of a combined department that is created on or after that date.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; 2011 a. 10, 32; s. 35.17 correction in sub. (4) (cg) 7r. (intro.); 2013 a. 14, 20.

4 **SECTION 2.** 111.70 (4) (mc) 6. of the statutes, as affected by 2013 Wisconsin Act

5 20, is amended to read:

6 111.70 (4) (mc) 6. Except for the employee premium contribution, all costs and
7 payments associated with health care coverage plans and the design and selection
8 of health care coverage plans by the municipal employer ~~for public safety employees,~~
9 and the impact of such costs and payments and the design and selection of the health
10 care coverage plans on the wages, hours, and conditions of employment of the public
11 safety municipal employee. This subdivision does not apply to a transit employee.

History: 1971 c. 124, 246, 247, 307, 336; 1973 c. 64, 65; 1977 c. 178, 186, 272, 442, 449; 1979 c. 32 s. 92 (15); 1981 c. 20, 112, 187; 1983 a. 189, 192; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 318; 1987 a. 153, 399; 1991 a. 136; 1993 a. 16, 429, 492; 1995 a. 27, 225, 289; 1997 a. 27, 237; 1999 a. 9, 65; 1999 a. 150 s. 672; 2001 a. 16; 2005 a. 253; 2007 a. 20; 2009 a. 15, 21, 28, 34, 60, 402; 2011 a. 10, 32; s. 35.17 correction in sub. (4) (cg) 7r. (intro.); 2013 a. 14, 20.

12 **SECTION 3.** 111.70 (4) (mc) 3. of the statutes is created to read:

13 111.70 (4) (mc) 3. If the municipal employee is a clerk who is not an employee
14 of a city of the first class, the judge's authority over the supervisory tasks provided
15 in s. 755.10.

16
17 Insert 98-20 120-7

18 **SECTION 4.** 111.91 (2) (fm) of the statutes is amended to read:

19 111.91 (2) (fm) If Except if the collective bargaining unit contains a public
20 safety employee initially employed ~~on or after~~ before July 1, 2011, the requirement
21 under s. 40.05 (1) (b) that the employer may not pay, on behalf of that ~~public safety~~
22 employee, any employee required contributions or the employee share of required

1 contributions and the impact of this requirement on the wages, hours, and conditions
2 of employment of that ~~public safety~~ employee.

History: 1971 c. 270; 1975 c. 39, 224; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237; 1999 a. 9, 95, 115, 155; 2001 a. 16, 26; 2003 a. 33; 2007 a. 36; 2009 a. 14, 28, 56, 140, 218, 276, 346; 2011 a. 10, 32; 2011 a. 260 ss. 30, 80.

3 **SECTION 5.** 111.91 (2) (fp) of the statutes is created to read:

4 111.91 (2) (fp) Except if the collective bargaining unit contains a public safety
5 employee, all costs and payments associated with health care coverage plans, except
6 for the employee premium contribution, and the design and selection of health care
7 coverage plans by the employer, and the impact of such costs and payments and the
8 design and selection of the health care coverage plans on the wages, hours, and
9 conditions of employment of the employees.

10
11 Insert 123-18

12 **SECTION 6.** 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is
13 amended to read:

14 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
15 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
16 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
17 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
18 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
19 ~~118.223~~, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), ~~118.245~~, 118.255, 118.258,
20 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,
21 118.56, 120.12 (2m), ~~(4m)~~, (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),
22 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25
23 are applicable to a 1st class city school district and board.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983

a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96, 215, 273, 305, 309; 2011 a. 10, 32, 85, 157, 166, 172; 2013 a. 20.

Barman, Mike

From: Walsh, Patrick
Sent: Tuesday, January 28, 2014 8:17 AM
To: LRB.Legal
Subject: Draft Review: LRB -3774/1 Topic: Reinstate collective bargaining provisions eliminated in Act 10, except for health and retirement contributions

Please Jacket LRB -3774/1 for the ASSEMBLY.